

REMARKS/ARGUMENTS

In the Office Action mailed February 9, 2005, claims 1-22 were rejected. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

STATUS OF THE CLAIMS

Claims 1-22 remain pending in the application and are believed to be patentable over the cited prior art. Claims 1, 9, 10, 16 and 21 are amended. Claims 9 and 10 have been amended to more clearly define what Applicants believe to be patentable subject matter. No claims are added. No claims are cancelled.

SPECIFICATION

Applicants have amended the specification to correct typographical error(s) and to include reference numbers for the shielded and unshielded legs 72, 74 of the thermistor 70. The amendments do not add any new matter. Applicants respectfully request that the amendments be entered.

DRAWINGS

Applicants have amended Fig. 1 to include the shielded and unshielded legs 72, 74 of the thermistor 70. The attached sheet of drawings includes the change to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1. The amendments do not add any new matter. Applicants respectfully request that the amendments be entered.

CLAIM REJECTIONS – 35 U.S.C. §102(b)

The Examiner rejected claims 1, 8-12, 16 and 21-22 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,451,929 to Adelman *et al.* (hereinafter referred to as “Adelman”). In light of the following remarks, Applicants respectfully transverse this rejection and submit that these claims are allowable.

Initially, Applicants note that it is axiomatic that to qualify as an anticipation under Section 102, the cited reference must “bear within its four corners adequate directions for the practice of the patent invalidated.” (See, for example, Dewey & Almay Chemical Co. v. Mimex Co., Inc., 52 U.S.P.Q. 138 (2nd Cir. 1942)). Applicant respectfully submits that Adelman embodies no such directions.

More particularly, Applicants respectfully submit that Adelman does not disclose an airflow monitor that is able to sample airflow through the air filter relative to ambient airflow conditions. The independent claims have been amended to clarify that the invention relates, in part, to sampling airflow through the air filter relative to ambient airflow conditions. The claims have been amended to explicitly state that which has been implicitly in the original claim language. As such, the claims have not been narrowed.

Applicants note that Adelman does not disclose an airflow monitor having a first element exposed to an airflow and a second element shielded from the airflow, as recited in the independent claims. As detailed in the specification, the benefit of an airflow monitor having a first element exposed to an airflow and a second element shielded from the airflow is to provide an airflow detection arrangement that is able to sample the airflow through the air filter relative to the ambient airflow conditions so as to allow for environmental compensation in assessing airflow restrictions due to clogged filters.

Adelman discloses monitoring airflow upstream and downstream from an air cleaner. See Adelman col. 2, lines 58-63. Adelman does not disclose monitoring airflow through the air filter relative to the ambient airflow conditions as claimed in the present invention.

In light of the foregoing arguments, withdrawal of the rejection of claims 1, 16 and 21 under 35 U.S.C. § 102(b) as being anticipated by Adelman is respectfully requested. Claims 8-12 and 22 depend ultimately from one of independent claims 1, 16 and 21 and are patentable over the cited prior art for at least the same reasons as claims 1, 16 and 21.

CLAIM REJECTIONS – 35 U.S.C. §103(a)

Claims 4-7, 13 and 17-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Adelman as applied to the claims 1 and 16 above. However, claims 4-7, 13 and 17-19 depend ultimately from one of independent claims 1 and 16 and are patentable over the cited prior art for at least the same reasons as claims 1 and 16. Therefore, Applicants respectfully request that the rejection as applied to these claims be removed.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adelman as applied to the claim 1 above, and further in view of United States Patent No. 5,212,983 to Ott *et al.* (hereinafter referred to as “Ott”). However, claim 2 depends from claim 1 and is patentable over the cited prior art for at least the same reasons as claim 1. Therefore, Applicants respectfully request that the rejection as applied to this claim be removed.

Claims 3, 14-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adelman as applied to the claims above, and further in view of United States Patent No. 6,107,925 to Wong (hereinafter referred to as “Wong”). However, claims 3, 14-15 and 20 depend from one of claims 1 and 16 and are patentable over the cited prior art for at least the

Docket No. 87319.4340

Patent

Serial No.: 10/634,883

Customer No. 30734

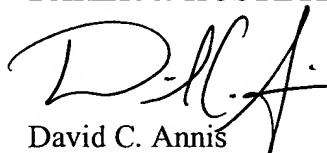
same reasons as claims 1 and 16. Therefore, Applicants respectfully request that the rejection as applied to these claims be removed.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the objections and rejections to the claims be removed. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1703 in an effort to resolve any matter still outstanding before issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not time filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87319.4340.

Respectfully submitted,
BAKER & HOSTETLER LLP



David C. Annis
Reg. No. 56, 963

Date: 4/7/05
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5304
Telephone: 202-861-1500
Facsimile: 202-861-1783

Amendments to the Drawings:

Applicants have amended Fig. 1 to include the shielded and unshielded legs 72, 74 of the thermistor 70. The attached sheet of drawings includes the change to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

